

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Sandra Landwehr, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

AOL Inc.,

Defendant.

Case No: 1:11-cv-01014 (CMH/TRJ)

DECLARATION OF DANIEL C. HEDLUND

1. I am a member in the law firm of Gustafson Gluek PLLC. I previously submitted a declaration in support of Plaintiff Sandra Landwehr's Motion for Attorneys' Fees and Expenses. (Dkt. No. 110.)

2. Attached as Exhibit A is a detailed listing of the work performed by Gustafson Gluek in seeking reimbursement for its fees and expenses in 2013. The exhibit provides (a) the date of the work performed, (b) identification of the attorney or paralegal performing the work, (c) a description of the work performed, and (d) the time spent on the work. Also attached is Exhibit B, which delineates the costs incurred by the firm in the prosecution of this matter since January 1, 2013.

3. The hourly rates requested by Gustafson Gluek in this matter were calculated by using rates set by the firm for the 2012 calendar year. These rates were set out in Paragraph 10 of my previous Declaration. Although Gustafson Gluek increased its fees at the beginning of 2013, we are seeking reimbursement according to our 2012 rates in recognition of the fact that

the Court has considered the remainder of our fees at our 2012 rates. Additionally, we are reducing our hourly rate by 10% to be consistent with the Court's earlier ruling.

4. Gustafson Gluek's total fees for the work performed in this matter in 2013 are approximately \$19,412.50, reflecting 52.5 hours prosecuting this matter. As set forth herein, Gustafson Gluek is voluntarily taking a 10% reduction in its hourly fee, leading to a fee request of \$17,471.25. This time reflects Gustafson Gluek's billing judgment and excludes inefficiencies and the time of paralegals and non-core attorneys involved in this matter.

5. Gustafson Gluek has also incurred a small amount of costs and expenses on behalf of Ms. Landwehr and the Class in 2013. Gustafson Gluek has paid these expenses and is also seeking reimbursement for these costs. As with fees, Plaintiff and Settlement Class Counsel are limiting their request for reimbursement to those costs and expenses incurred in applying for fees. A list of all costs and expenses that were paid by Gustafson Gluek in prosecuting this matter are contained in Exhibit B. Total expenses listed in Exhibit B and for which reimbursement is being sought is \$894.08.

6. As explained in my original Declaration, the expert opinion of Philip Harvey, and our initial and reply memoranda, Plaintiff and Settlement Class Counsel believe that the work they have performed was performed skillfully and efficiently, at rates that are within the prevailing rates in the Eastern District of Virginia for comparable litigation. To avoid repetition and because the Court has already considered these issues, I will rely on our previous arguments and evidence on this point.

7. The total of fees and costs requested by this supplemental memorandum is \$18,365.33 for Gustafson Gluek. It is my opinion that the fees and cost sought by counsel for Ms. Landwehr and the Settlement Class are reasonable and necessary for the prosecution of

this action. This opinion is supported by the previous opinion of Mr. Harvey and our review of applicable case law.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, this 9th day of May, 2013.

Dated: May 9, 2013

/s/ Daniel C. Hedlund
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EXHIBIT A

Gustafson Gluek PLLC					
AOL II -- Consumer Fraud					
Date Range: 1/1/2013 through 5/8/2013 With 2013 Rates					
Date	TK	Hours	Rate	Lodestar	Description
1/3/2013	D. Hedlund	0.25	600	\$150.00	Review and analyze expert engagement letter re: opinion on fee petition; e-mails to and from co-counsel re: same; draft e-mail to J. Bourne re: status of time submissions.
1/9/2013	D. Hedlund	0.25	600	\$150.00	E-mails to and from co-counsel re: fee application submission.
1/9/2013	D. Nordin	3.25	325	\$1,056.25	Research and draft affidavit in support of motion for award of fees and reimbursement of expenses.
1/9/2013	J. Bourne	1.25	360	\$450.00	Multiple e-mails with D. Hedlund, D. Nordin and co-counsel re: fee petition issues; conference with D. Nordin re: same; review draft fee petition and B. Brown declaration.
1/10/2013	D. Hedlund	1.5	600	\$900.00	Review and edit fee petition, e-mails to and from co-counsel re: same, conference. call with J. Dominguez, B. Brown, and P. Harvey re: fee affidavits and submissions, e-mails to and from D. Gustafson and D. Nordin re: finalization of Gustafson Gluek submission.
1/10/2013	D. Nordin	9	325	\$2,925.00	Draft declaration of D. Hedlund in support of motion for fees; research previous cases where fees have been approved; review time adjustments; exchange e-mails with D. Hedlund and D. Gustafson re: time adjustments.
1/10/2013	J. Bourne	0.75	360	\$270.00	E-mails with D. Hedlund, D. Nordin and co-counsel re: fee petition, time, declaration and related issues.
1/11/2013	D. Hedlund	0.75	600	\$450.00	Review and edit P. Harvey fee declaration, review and edit fee petition, e-mails to and from co-counsel re: same.
1/11/2013	D. Nordin	0.25	325	\$81.25	Review and analyze declarations in support of motion for award of attorney's fees.
1/11/2013	J. Bourne	0.25	360	\$90.00	Review and analyze e-mails from co-counsel re: fee petition; review declaration of P. Harvey re: same.
1/14/2013	D. Hedlund	0.25	600	\$150.00	E-mails to and from co-counsel re: request for oral argument and final fee request.
1/14/2013	J. Bourne	0.25	360	\$90.00	Review and analyze e-mails from J. Dubner, B. Brown, J. Dominguez and D. Hedlund re: fee petition, motion hearing and related issues.
1/15/2013	D. Hedlund	0.25	600	\$150.00	Review and respond to e-mails re: fee and expense hearing.
1/15/2013	J. Bourne	0.25	360	\$90.00	Review and analyze e-mails from J. Dubner and D. Hedlund re: fee motion hearing.
1/16/2013	J. Bourne	0.25	360	\$90.00	Conference with D. Hedlund re: fee petition issues.
1/17/2013	J. Bourne	0.5	360	\$180.00	E-mails with D. Nordin re: fee petition filings; e-mail to S. Landwehr re: same.
1/25/2013	D. Hedlund	0.5	600	\$300.00	Review and analyze defendants' opposition to plaintiff's fee motion; review and respond to e-mails re: same.

1/25/2013	J. Bourne	1.25	360	\$450.00	E-mails from and to J. Dominguez, B. Brown, J. Dubner, and D. Hedlund re: AOL's motion to seal and opposition to fee petition; research local rules re: briefing schedule; e-mails with D. Hedlund re: same; e-mails with Dubner re: same; review and analyze AOL's brief in opposition to fee request; follow-up e-mails with D. Gustafson, D. Hedlund, and co-counsel re: same; review Dubner outline on argument.
1/26/2013	J. Bourne	0.25	360	\$90.00	E-mails with co-counsel re: fee petition reply brief.
1/27/2013	J. Bourne	6	360	\$2,160.00	Review and edit draft fee motion reply brief; review filings re: same; e-mails with co-counsel re: same; telephone conference with J. Dubner re: same; legal research re: same.
1/28/2013	D. Hedlund	0.5	600	\$300.00	E-mails to and from J. Bourne re: motion to seal; e-mails to and from co-counsel re: discussions with fee expert.
1/28/2013	D. Nordin	0.5	325	\$162.50	Review e-mails re: brief in support of motion for class certification; e-mail J. Bourne re: motion for award of attorney's fees.
1/28/2013	J. Bourne	8.5	360	\$3,060.00	Continue drafting reply brief re: fee motion; telephone conference with J. Dominguez re: same; telephone conference with Dominguez and P. Harvey re: same; e-mails with D. Hedlund and co-counsel re: same.
1/29/2013	D. Hedlund	0.25	600	\$150.00	E-mails to and from co-counsel re: fee motion reply brief.
1/29/2013	J. Bourne	3.5	360	\$1,260.00	Continue drafting fee motion reply brief; conference with D. Hedlund re: same; e-mails with co-counsel re: same.
1/30/2013	J. Bourne	0.5	360	\$180.00	Review J. Dominguez edits to fee motion reply brief; e-mails with Dominguez and J. Dubner re: same; e-mails with D. Hedlund re: edits.
1/31/2013	D. Hedlund	0.25	600	\$150.00	Review of fee motion reply brief from co-counsel; e-mails to co-counsel re: same.
1/31/2013	J. Bourne	2	360	\$720.00	E-mails with D. Hedlund, J. Dominguez and J. Dubner re: fee motion reply brief; analyze edits; review file re: same; legal research re: same; follow-up e-mails with Dubner re: same.
2/1/2013	J. Bourne	1	360	\$360.00	Review Gustafson Gluek time entries re: duplication of meet and confer negotiations; e-mail to J. Dubner, J. Dominguez and D. Hedlund re: same; e-mails with Dubner re: Fishkind deposition transcript and fee motion reply brief; review most recent reply brief draft.
2/2/2013	J. Bourne	0.25	360	\$90.00	E-mails from and to D. Hedlund re: fee motion and Facebook settlement and fee motion.
2/4/2013	J. Bourne	0.25	360	\$90.00	E-mail to S. Landwehr re: case status and fee motion reply brief.
2/6/2013	J. Bourne	0.25	360	\$90.00	Conference with D. Hedlund re: fee motion hearing; e-mails with D. Hedlund and co-counsel re: same.

2/8/2013	J. Bourne	0.25	360	\$90.00	E-mail from D. Hedlund re: fee motion hearing.
2/9/2013	J. Bourne	0.25	360	\$90.00	E-mails from D. Hedlund and J. Dominguez re: fee motion hearing.
2/11/2013	D. Hedlund	0.25	600	\$150.00	E-mails to and from J. Bourne re: brief on statute of limitations and proposed language on fees.
2/12/2013	J. Bourne	0.25	360	\$90.00	E-mails from D. Hedlund and J. Dominguez re: fee motion hearing.
2/19/2013	J. Bourne	0.25	360	\$90.00	Review and analyze notice of hearing on fee motion; e-mail from J. Dominguez re: same.
3/13/2013	D. Hedlund	0.25	600	\$150.00	Conference with J. Dominguez re: status of fee request; e-mails to and from J. Bourne re: same.
5/4/2013	D. Hedlund	0.25	600	\$150.00	Review and analyze court order on fee and cost petition; e-mails to and from co-counsel re: same.
5/4/2013	J. Bourne	0.5	360	\$180.00	Review and analyze court's memorandum opinion re: fee motion; e-mails with co-counsel re: same.
5/6/2013	D. Hedlund	0.25	600	\$150.00	E-mails to and from J. Holzer and T. Grill re: gathering Iodestar information for fees petition; review and analyze same.
5/6/2013	J. Bourne	0.25	360	\$90.00	Review and analyze e-mails with co-counsel re: fee order.
5/7/2013	D. Hedlund	0.5	600	\$300.00	Conference with B. Brown re: coverage of hearing; review and analyze summary of fees related to fee petition.
5/7/2013	J. Bourne	1	360	\$360.00	Conference with J. Holzer re: finalizing brief; e-mails with co-counsel re: supplemental fee petition.
5/8/2013	D. Hedlund	1.25	600	\$750.00	Review and edit draft fee brief and declaration; e-mails to and from co-counsel re: preparation of time and expenses for submission to Court.
5/8/2013	J. Bourne	2	360	\$720.00	Review and edit motion papers re: supplemental fee request; edit declaration of D. Hedlund re: same; review time and conference with J. Holzer re: edits to same; e-mails with co-counsel re: same.
		52.5		\$20,245.00	TOTAL HOURS

TK	Trans Code	Trans Desc	Rate	Total Hours
DCH	7	Lit Strat, Analysis, Case Mgmt	600	0.5
	8	Settlement	600	6.75
	21	Fee/Expense Proceedings	600	0.25
TOTAL	Total			7.5
DJN	3	Pldgs, Briefs, Pretrial Motion	325	13
TOTAL	Total			13
JCB	7	Lit Strat, Analysis, Case Mgmt	360	0.75
	8	Settlement	360	1.75
	21	Fee/Expense Proceedings	360	29.5
TOTAL	Total			32
TOTAL	Total			52.5
TOTAL	Total			52.5

Gustafson Gluek PLLC 2013 Time At 2012 Rate and With 10 Percent Reduction in 2012 Rate				
<u>Name</u>	<u>Hours Billed</u>	<u>2012 Rate</u>	<u>Fee at 2012 Rate</u>	<u>Fee at 2012 Rates w/10% Reduction</u>
Daniel C. Hedlund	7.50	\$ 575.00	\$ 4,312.50	\$ 3,881.25
Joseph C. Bourne	32.00	\$ 350.00	\$ 11,200.00	\$ 10,080.00
Daniel J. Nordin	13.00	\$ 300.00	\$ 3,900.00	\$ 3,510.00
Total	52.50		\$ 19,412.50	\$ 17,471.25

EXHIBIT B

Gustafson Gluek PLLC			
AOL II -- Consumer Fraud			
Date Range: 1/1/2013 through 5/8/2013			
Date	Exp Code	Description	Amount
1/4/2013		12 Thomson West; Invoice # 826362486 12/4, 12/6, 12/10, research	\$98.50
1/14/2013		4 Long Distance Charges for 12/15/2012 - 01/14/2013.	\$0.66
1/31/2013		5 Copy/Print Charges for January 2013	\$260.00
2/5/2013		18 Pacer Service Center; Invoice # GG0716-Q42012	\$41.80
2/14/2013		4 Long Distance Charges for 01/15/2013 - 02/14/2013.	\$0.81
2/20/2013		12 Thomson West; Invoice # 826564429	\$319.24
2/28/2013		5 Copy/Print Charges for February 2013	\$0.50
3/14/2013		4 Long Distance Charges for 02/15/2013 - 03/14/2013.	\$0.77
4/30/2013		5 Copy/Print Charges for April 2013	\$31.50
5/3/2013		18 Pacer Service Center; 04/04/13 Invoice # GG0716 January 1, 2013 - March 31, 2013 charges	\$140.30
		TOTAL AMOUNT	\$894.08
Exp Code	Exp Desc	Total Amount	
4	Long Distance	\$2.24	
5	Copy/Printing - Internal	\$292.00	
12	West Law	\$417.74	
18	PACER	\$182.10	
ALL		\$894.08	